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August 22, 2014

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BY FACSIMILE AND ECF

The Honorable James C. Francis
United States Magistrate Judge
United States Courthouse
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Nunez, et al., v. City of New York, et al.*, 11 Civ. 5845 (LTS) (JCF)

Dear Judge Francis:

This office, together with The Legal Aid Society Prisoners' Rights Project and Emery Celli Brinckerhoff & Abady, is counsel for the Plaintiff Class in this matter. Emery Celli Brinckerhoff & Abady, together with The Legal Aid Society Prisoners' Rights Project, also are counsel for the Plaintiffs in their individual damages claims.

We are writing in regard to the Court's request for a response by close of business today to the City of New York's August 21, 2014 letter, Dkt. # 163. We have conferred with counsel for the City and the parties have resolved their dispute, at this time, as follows: (i) Plaintiffs will destroy the documents listed in the City's June 10 clawback request; (ii) the City will produce a privilege log for the documents listed in the June 10 clawback request by September 5, which log may include some additional documents that are substantially similar to the documents already identified in the June 10 clawback request; (iii) Plaintiffs will destroy any such additional documents identified on that privilege log; and (iv) any meet and confer and any subsequent challenge to the bases of privilege asserted by the City with respect to the logged documents (the bases for which challenges are preserved) will be stayed in accordance with our more general stay of discovery. In light of the parties' conferral, we respectfully advise Your Honor that the Court's intervention does not appear to be required, at this time.

ROPES & GRAY LLP

The Honorable James C. Francis

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Respectfully yours,

William I. Sussman/aef

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cc: All counsel (by ECF and First-Class Mail)